

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:10-CR-99-FDW**

UNITED STATES OF AMERICA,)
)
)
vs.)
)
NATWOINE AUSTIN,)
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Defendant.)
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_____)
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**ORDER FOR
SUPPLEMENTAL BRIEFS**

THIS MATTER is before the Court on Defendant's "Motion to Dismiss Indictment" (Doc. No. 8) and the Government's Response in Opposition (Doc. No. 9). In reviewing this motion, the Court asked the U.S. Probation Office to obtain certified copies of the State of North Carolina, Mecklenburg County, conviction records pertaining to Defendant. See Attachment (only available to the parties in this case). It appears from these documents that Defendant Austin pled guilty with a sentence of four (4) to five (5) months, but faced a maximum punishment of fifteen (15) months for Possession of a Schedule I Substance, a Class I felony. See Attachment, page 9.

The Court requests a supplemental briefing no more than 2,000 words from the parties by **Tuesday, August 31, 2010**, on the impact, if any, these records have on the pending motion. The Court does not require a response once these supplemental briefings are submitted.

IT IS SO ORDERED.

Signed: August 24, 2010



Frank D. Whitney
United States District Judge
